

REMARKS

A.) The Section 103 Rejections Based on Yin, Gallant and Soumiya

Claims 1-12, 39-50 and 52 were rejected under 35 U.S.C. §103(a) as being unpatentable over U. S. Patent No. 5,982,748 to Yin et al. ("Yin") in view of U.S. Patent Application Publication No. US 2001/0026553 to Gallant et al. ("Gallant") and U.S. Patent 5,696,764 to Soumiya et al ("Soumiya"). Applicants respectfully disagree and traverse these rejections for at least the following reasons.

In the Office Action the Examiner acknowledges that the combination of Yin and Gallant, that has been previously relied on to reject the claims, does not disclose the feature of: (a) assigning each service class a unique overbooking factor to ensure that no two classes have an identical overbooking factor in combination with (b) the determination of an effective bandwidth for each class of service based in part on an assigned overbooking factor and one of either a cell delay variation or cell loss, where the so-determined effective bandwidth is eventually used to determine whether to admit or reject a call. To overcome this deficiency the Examiner now cites Soumiya.

Though Soumiya appears to disclose call admission control (CAC) techniques for variable bit rate traffic, it does not appear to disclose or suggest CAC techniques that involve constant bit rate traffic. More particularly, Soumiya does not appear to disclose or suggest the determination of an effective bandwidth for each class of service based in part on an assigned

overbooking factor and a cell delay variation for constant bit rate service classes as in amended claims 1-12, 39-50 and 52.

Further, the Applicants note that the mere mention of constant bit rate (CBR) traffic, CBR service classes or the determination of an effective bandwidth for CBR traffic in a reference (see page 8 of Office Action and the references made of record, but not relied upon, by the Examiner) does not suffice to raise a *prima facie* case of unpatentability absent some disclosure or suggestion in one or more of these references of the determination of an effective bandwidth for each class of service based in part on: (1) an assigned overbooking factor and (2) a cell delay variation for constant bit rate service classes.

Accordingly, Applicants respectfully submit that amended claims 1-5, 8-12, 39-43, 46-50 and 52 (claims 6, 7, 44 and 45 have been cancelled) are patentable over the combination of Yin, Gallant and Soumiya.

B.) The Section 103 Rejections Based on Yin, Gallant, Soumiya and Huang

Claims 13 and 51 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yin in view of Gallant and Soumiya and in further in view of U.S. Patent No. 6, 608,815 to Huang et al. ("Huang").

Initially, it is noted that claim 13 depends from claim 1 and claim 51 depends from claim 39. In addition, it is noted that Huang does not make up for the deficiencies of Yin, Gallant and Soumiya discussed above.

Accordingly, Applicants respectfully submit that claims 13 and 51 are patentable over a combination of Yin, Gallant, Soumiya and Huang for the reasons set above with respect to claims 1 and 39.

CONCLUSION

Accordingly, Applicants respectfully request withdrawal of the pending rejections and allowance of claims 1-5, 8-13, 39-43, and 46-52.

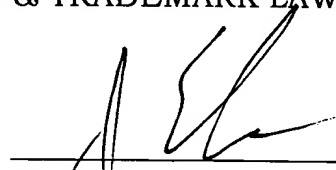
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By



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